

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

SEAN GILMORE,

Plaintiff,

v.

**Civil Action 2:17-cv-52
Judge George C. Smith
Magistrate Judge Jolson**

SHANDAN HITCHENS, et al.,

Defendants.

ORDER

On August 11, 2017, the Court issued an Order observing that Plaintiff submitted ten separate filings to this Court, which consisted of the following:

1. a “Motion to Notice Error of Clerk of Courts” (Doc.26);
2. a “Motion Memorandum of Medical Records Release” (Doc. 27);
3. a “Motion for Expert Witness and Court Appointed Counsel” (Doc. 28);
4. a “Motion to Appoint Counsel” (Doc. 29);
5. a “Motion to be Heard Amended Complaint with two Named Defendants as Court 10/16 Recommendation” (Doc. 30);
6. a “Motion to Subpoena Physician Dr. Guilermore Zalivador of NCCC Assessments” (Doc. 31);
7. a Response in Opposition to the Motion to Dismiss (Doc. 32);
8. a “Motion for Expert Witness Court Order Amended Consideration” (Doc. 33);
9. a Motion for Leave to Proceed in forma pauperis (Doc. 34); and
10. a Motion to Stay (Doc. 35).

(Doc. 36). The Court found Plaintiff’s filings to be excessive and warned Plaintiff that, if he continued to engage in an excessive motions practice, his conduct could result in sanctions. (*Id.* at 1).

On October 2, 2017, Plaintiff filed an “Amended Motion of Evidence in which Relief can be granted as a matter of Law” (the “Motion”). (Doc. 41). The following day, Defendants

Hitchens, Hazzard, and Frederick (“Defendants”) moved to strike the Motion or ask that the Court not consider it. (Doc. 42). In support, Defendants that the Motion “appears to be a sur-reply to Defendants’ Motion to Dismiss, (Doc. 20), that largely restates arguments previously set forth in [Plaintiff’s] many filings.” (*Id.* at 2). This Court agrees. Because the Motion is prohibited under S.D. Ohio Civ. R. 7.2(a)(2), the Motion shall be disregarded by this Court. Accordingly, Defendants’ Motion is **GRANTED IN PART**. (Doc. 42).

Further, the Court advises Plaintiff that this matter has been briefed fully and is now ripe for consideration. Consequently, until this Court issues a Report and Recommendation on the pending motions, Plaintiff shall refrain from submitting any additional filings. Plaintiff is advised once again that his failure to comply with this Order may result in sanctions.

IT IS SO ORDERED.

Date: October 3, 2017

/s/ Kimberly A. Jolson
KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE